

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 03-CV-1418

SARAH MCGEE KRENN,

Defendant,

BETHEL HOME AND SERVICES, INC.,

Garnishee-Defendant.

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: Bethel Home And Services, Inc
Attn: Garnishment/Payroll
614 South Rock Avenue
Viroqua, WI 54665-1936

The United States has filed with the Court an Application for a Writ of Garnishment in the amount of \$2,837.74 against the property of defendant, Sarah McGee Krenn.

You, as Garnishee, are **required by law to answer in writing**, under oath, within ten (10) days of service of this Writ, whether or not you have in your custody, control or possession, any property or funds owned by Defendant, including non-exempt, disposable earnings.

You must **withhold and retain any property** in which Defendant has a substantial non-exempt interest and for which you are or may become indebted to Defendant pending further order of the Court. This means that you should withhold 25% of Defendant's earnings which remain after all deductions required by law have been withheld and 100% of all 1099 payments. See 15 U.S.C. §1673(a).

Please state whether or not you anticipate paying Defendant any future payments and whether such payments are weekly, bi-weekly, monthly, annually or bi-annually.

You must **file the original written Answer** to this Writ within ten (10) days of your receipt of this Writ with the following office:

**Clerk of the United States District Court
362 Federal Courthouse
517 East Wisconsin Avenue
Milwaukee, WI 53202**

Additionally, you are required by law to **serve a copy of the Answer** upon Defendant at his/her last known address:

Sarah McGee Krenn
Viroqua, Wisconsin

You are also required to serve a copy of the Answer upon the United States at the following address:

**Lisa Yun, Assistant United States Attorney
United States Attorney's Office
Financial Litigation Unit
530 Federal Courthouse
517 East Wisconsin Avenue
Milwaukee, WI 53202**

Under the law, there is property which is exempt from this Writ of Garnishment. Property which is exempt and which is not subject to this order may be listed on the attached Claim for Exemption form.

Pursuant to 15 U.S.C. §1674, you, the Garnishee, are prohibited from discharging Defendant from employment by reason of the fact that his earnings have been subject to garnishment.

Pursuant to 28 U.S.C. §3205(c)(6), if you **fail to answer this writ or withhold property or funds** in accordance with this writ, the United States may petition the Court for an order requiring you to appear before the Court to answer the Writ and to withhold property before the appearance date. If you fail to appear or do appear and fail to show good cause why you failed to comply with this Writ, the Court shall enter a judgment against you for the value of Defendant's non-exempt interest in such property. The Court may award a reasonable attorney's fee to the United States and against you if the Writ is not answered within the time specified.

It is unlawful to pay, disburse or deliver to Defendant any item attached by this Writ until further order of this Court.

Dated this 10th day of October, 2017.

Stephen C. Dries
United States District Clerk

BY:

s/Becky Ray
Deputy, United States District Clerk

CIVIL CLAIM FOR EXEMPTION FORM
MAJOR CLAIMS FOR EXEMPTION UNDER FEDERAL LAW

You can claim Federal exemptions by checking items below, pursuant to 11 U.S.C. §522(d) **or** you can claim exemptions under Wisconsin State Law by using the attached Wisconsin State Exemptions form.

___ Federal Exemptions.

___ 1. Social Security benefits and Supplemental Security (42 U.S.C. § 407).

___ 2. Veterans' benefits (38 U.S.C. § 5301).

___ 2a. Members of armed services (10 U.S.C. § 1440).

___ 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).

___ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n))

___ 5. Longshoremen and Harbor Worker's Compensation Act (33 U.S.C. § 916).

___ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).

___ 6a. Seaman's, master's, or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 11108(a)-11109(a-c)).

Exemptions 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

___ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).

___ 7. Bankruptcy Code (11 U.S.C. § 522(d)) which generally provides exemptions for:

(a)___ \$22,975 of equity in your residence.

(b)___ \$3,675 of equity in a motor vehicle.

(c)___ Jewelry worth up to \$1,550.

(d)___ Personal property worth up to \$12,250. (However, no single item worth more than \$575 can be claimed as exempt.)

(e)___ Property totaling up to \$1,225 in value, plus up to \$11,500 of any unused amount of the exemption provided in number 11(a) above.

- (f)___ \$2,300 of equity in professional books, implements or tools, of your trade or your dependant's trade.
- (g)___ Any unmaturred life insurance contract you own, other than credit life insurance.
- (h)___ The aggregate value, up to \$12,250, of any accrued dividend or interest under, or loan value of, any unmaturred life insurance contract you own, but only if you are the insured or you are a dependant of the insured.
- (i)___ Professionally prescribed health aids for you or your dependants.
- (j)___ Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support, and separate maintenance, to the extent these items are reasonably necessary for your support or the support of your dependants.
- (k)___ A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for your support or the support of your dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(I)-(iii).
- (l)___ Your right to receive, or property that is traceable to,
- an award under a crime victim's reparation law;
 - a payment on account of the wrongful death of an individual of whom you were a dependant, but only to the extent reasonably necessary for your support or the support of your dependants;
 - a payment under a life insurance contract that insured an individual of whom you were a dependant on the date of the insured's death, but only to the extent reasonably necessary for your support or the support of your dependants;
 - a payment, not to exceed \$22,975, on account of personal bodily injury suffered by you or by an individual of whom you are a dependant; however, payment for pain and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph;
 - a payment in compensation of loss of your future earnings or the future earnings of an individual of whom you are, or were, a dependant, but only to the extent reasonably necessary for your support or the support of your dependants.

ELECTION OF WISCONSIN STATE LAW EXEMPTIONS
PURSUANT TO 28 U.S.C. § 3014(a)(2)(A)

(Please note that if you selected exemptions under federal law, you may not also claim the state law exemptions listed below.)

CLAIMED		TYPE	STATUTE SECTION	VALUE CLAIMED
____1.	Homestead or Residential Property	A homestead may be exempted to the amount of \$75,000.	Wis. Stat. Ann. § 815.20	
____2.	Consumer Goods	Household goods and Furnishings, wearing apparel, keepsakes, jewelry and other articles of personal adornment, appliances, books, musical instruments, firearms, sporting goods, animals, or other tangible personal property held primarily for the personal, family or household use of the debtor or a dependent of the debtor, not to exceed \$12,000 in aggregate value.	Wis. Stat. Ann. §815.18(3)(d)	
____3.	Business and Farm Property	Equipment, inventory, farm products, and professional books used in the business of the debtor or the business of a dependent of the debtor, not to exceed \$15,000 in aggregate value.	-Wis. Stat. Ann. § 815.18(3)(b)	
____4.	Motor Vehicles	Motor vehicles not to exceed \$4,000 in aggregate value.	Wis. Stat. Ann. § 815.18(3)(g)	
____5.	Depository Accounts	Depository accounts in the aggregate value of \$5,000.	Wis. Stat. Ann. § 815.18(3)(k)	
____6.	Child Support, Family Support, or Maintenance	Alimony, child support family support, maintenance or separate maintenance payments to the extent reasonably necessary for the support	Wis. Stat. Ann. § 815.18(3)(c)	

		of the debtor and the debtor's dependents.		
____7.	Partnership Property	A partner's interest in specific partnership property	Wis. Stat. Ann. § 178.21(3)(c)	
____8.	Unemployment Compensation	Benefits from any unemployment benefit fund or reserve.	Wis. Stat. Ann. § 108.13	
____9.	Veterans' Benefits	War pension benefits.	Wis. Stat. Ann. § 45.35(8) and § 45.03(8)(b) and § 815.18(3)(n)	
____10.	Workers' Compensation	Exempt.	Wis. Stat. Ann. § 102.27	
____11.	Public Assistance	All grants of aid to families with dependent children, payments made under §§ 48.57 (3m) or (3n), 49.148 (1)(b) 1. or (c) or (1m) or 49.149 to 49.159, payments made for social services, cash benefits paid by counties under § 59.53 (21), and benefits under § 49.77 or federal Title XVI.	Wis. Stat. Ann. § 49.96	
____12.	Insurance, personal injury, or wrongful death claims	Federal disability insurance benefits under 42 USC 401 to 433); fire and casualty insurance (for a period of two years after the date of receipt); life insurance and annuities (unmatured not to \$150,000 in value or if issued less than 24 months then not to exceed \$4,000 in value); life insurance claim payments if debtor was a dependent upon insured (limited), wrongful death claim payments if debtor was a dependent (limited);	Wis. Stat. Ann. § 815.18(3)(ds), (e),(f)	

		personal injury payment, including pain and suffering or compensation for actual pecuniary loss, not to exceed \$25,000, loss of future earnings compensation payments if debtor was a dependent (limited).		
____13.	Pensions and Retirement Benefits	Employee retirement benefits; fire and police pension fund (limited)	Wis. Stat. Ann. § 815.18(3)(ef),(j)	
____14.	Cemeteries and Burial Funds	Cemetery lots, above ground burial facilities, burial monuments, tombstones, coffins or other articles for the burial of the dead owned by the debtor and intended for the burial of the debtor or the debtor's family.	Wis. Stat. Ann. § 815.18(3)(a)	
____15.	Fraternal Benefit Society Benefits	Exempt.	Wis. Stat. Ann. § 614.96	
____16.	County Fairs and Agricultural Societies	All sums paid as state aid under s.93.23(1) to county fairs and agricultural societies.	Wis. Stat. Ann. § 815.18(3)(df)	
____17.	Tuition units and college savings accounts	Tuition units purchased under s. 16.64 and an interest in a college savings account Under s. 16.641	Wis. Stat. Ann. § 815.18(3)(o)(p)	
____18.	Life insurance claims, personal injury or wrongful death claims		Wis. Stat. Ann. § 815.18(3)(i)	
____19.	Private property from execution against municipalities	All private property shall be exempt from seizure and sale upon any execution or other process issued to enforce any judgement	Wis. Stat. Ann § 815.18(3)(m)	

		or decree of any court that has been rendered against any county, town, city, village, technical college district or school district in this state.		
____20.	Miscellaneous Benefits	Benefits paid by the public employee trust	Wis. Stat. Ann. § 40.08	

*Wisconsin is a marital property state. See Chapter 766 Wis. Stats.

The statements made in this claim of settlement to exemptions and request for hearing as to exemption entitlement and fair market value of the property or funds designated are made and declared under penalty of perjury that they are true and correct.



I hereby request a Court hearing to decide the validity of my claims.

Notice of the hearing should be given to me by mail at:

(_____)

Address

or telephonically at (_____)

Phone No.

Defendant's printed or typed name

Signature of Defendant

Date

Revised 2013